

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

119

**CR-6366 of 2018 (O&M)
Date of decision: 17.11.2022**

Ompati

..Petitioner

Versus

Swati and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sumit Sangwan, Advocate
for the petitioner.

Mr. Ankush Singla, Advocate
for respondent no.4.

ANIL KSHETARPAL, J(Oral)

The defendant in a suit for grant of decree of declaration is the petitioner herein. During the pendency of the suit, defendant no.5 filed an application for permission to lead secondary evidence in order to prove a notarized agreement, which has been allowed by the court below. Assailing its correctness the present revision petition has been filed.

The learned counsel representing the petitioner admits that in view of the detailed judgment passed in *Vinod Kumar vs. Satbir Singh (Civil Revision No.2575 of 2020 , decided on 03.03.2021)*, the revision petition is required to be disposed of in accordance with the said judgment.

Keeping in view the aforesaid position, the revision petition is disposed of while directing the trial Court to permit the respondents (plaintiffs) to lead evidence. After the evidence has been led, the Court shall examine whether such evidence is primary or secondary? If it is found that the evidence led is secondary, then the Court shall further examine whether such evidence is admissible as per the parameters laid down in the Indian

Evidence Act, 1872.

All the pending miscellaneous applications, if any, are also disposed of.

November 17, 2022

(ANIL KSHETARPAL)

nt

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*